

# **TAKOMA PARK PUBLIC ART PROCESS PLAN**

Takoma Park Arts and Humanities Commission  
City of Takoma Park Maryland

**May 31, 2005 DRAFT**

## TABLE OF CONTENTS

---

Introduction . . . . .	2
Concept of Project Concept . . . . .	3
Project Budget. . . . .	3
Project Approval . . . . .	4
Funding . . . . .	4
Selection of Artist . . . . .	4
Determining Factors for Geographical Eligibility . . . . .	4
Call for Artist . . . . .	5
Open competition . . . . .	5
Invitational Competition . . . . .	5
Copyright Protection / Visual Rights Act of 1990 . . . . .	6
Artist Interviews . . . . .	6
Managing the Project . . . . .	6
Composing an Arts Selection Committee . . . . .	7
Conflict of Interest . . . . .	7
Fabrication and Installation Contract . . . . .	7
Temporary Installations and Exhibitions . . . . .	8
Insurances and Permits . . . . .	9
Site Preparation and Installation . . . . .	9
Conclusion . . . . .	9
Addendum: Donations of Art Work . . . . .	11
Attachments	

## INTRODUCTION

---

This paper is the suggested process plan for a Public Art Program in Takoma Park. It is a plan that is mandated through the larger Cultural Plan for Takoma Park and will serve as a guide for the City of Takoma Park and the Arts and Humanities Commission. It is envisioned that it will be a living document, to be amended, perhaps expanded over time, as the community's needs changes.

The purpose of for a Public Art Program is to enhance the physical and cultural amenities of Takoma Park, create a sense of place for and within our community, as well as to be welcoming to visitors. Art integrated into the public fabric promotes a healthy, vibrant atmosphere and contributes to the quality and identity of our town. It encourages artistic expression and inspires a sense of community pride.

To do this, such a program must be flexible enough to respond to the unique needs of the whole community, the business community as well as the individual citizens. It must also be able to respond to the unique parameters each project may bring, the needs of the architectural environment where such art is to be placed, as well as take Takoma Park's unique history into consideration.

This is an ideal time to put in place a process for such future undertakings that will allow for involvement, dialog, feedback and cooperation between the various and diverse groups and individuals who are part of Takoma Park. This includes those individuals and groups who conceive of particular projects, or the agencies, foundation granting sources, businesses, individuals or groups who will fund such projects, those who govern our town, those who will manage such projects, as well as the people who will literally live with these projects as part of their neighborhood. It is equally important that any project the city undertakes be clear, precise and open in its process to avoid potential conflicts, to enhance dialog and to be fair to all involved.

A study done by the Maryland State Arts Council has shown that there is a significant return on investment in arts and artists, also financially. To quote Governor John Elias Baldachi of Maine; "The Creative Economy is a catalyst for the creation of new jobs in Maine communities. People who create jobs want to live in places that have diverse cultural mix and an innovative and educated workforce. Maine will be competitive economically if we continue to capitalize on the synergies between entrepreneurship, education, the arts and quality of life".

Well selected and placed public art will help enhance and celebrate not only our whole community, but could also help create an added focus on our "downtown", as the Main Street program gets underway, adding to the economic viability of our business community.

## **PROJECT CONCEPT**

The ideas for a project can come from anyone. This would include; the City Council Members, City staff people, stakeholders, members of the Takoma Park Arts and Humanities Council (AHC), members of the community or neighborhoods, businesses, property owners, etc. Projects can be indoor or outdoor projects and can include murals (3D or 2D), sculptures (free standing, wall hung, be fountains, benches, mosaics, sundials, etc.). They can be functional or not – can be permanent, temporary, be direct purchase, commissioned, on loan, bequests, etc.

When a project idea has been conceived, it should be brought first to the AHC, who, after conferring with the City and the Public Art Trust Committee (PATC), determine if such a project is feasible.

The PATC (called Public Art Advisory Committee in some jurisdictions) is an independent committee serving under the AHC, comprised of individuals invited by the AHC, to support the Commission with public art projects, whether such projects are paid for by public or private money. The selection/nomination to the committee shall be by invitation. A format for rotation of tenure can be established. The members are not remunerated. This Committee which would be similar to the Montgomery County Public Art Trust Committee should consist of individuals invested in our City, who have background and experience in the visual arts (consultants, people in the public arts, practicing artists, etc.), as well as architects, stakeholders, representative from Historic Takoma, Inc., Maryland Park and Planning Commission, Public Schools, Takoma Park Recreation, representatives from the City and from AHC. They may live in Takoma Park or not. This committee would be different from any AHC Project Committee, as well as separate from a project selection committee, which will change from project to project.

## **PROJECT BUDGET**

A budget must be set for the project and should include: Cost of design; all fees to the artist, including materials and manufacture; transportation to site; installation of pieces; costs of preparing the site; costs of call for artists (prospectus) and advertising; as well as costs in the oversight, management and coordination of the process. All efforts must be made that all fees to the artist are fair and reasonable. Efforts should be made to insure that the artists are paid in a timely manner.

The budget, whether big or small should allow funding to be set aside to pay an additional staff person or intern to handle the duties associated with a project; phone calls, correspondence, coordinating meetings, etc., unless the city can provide a staff person who can manage the project part time as part of their overall job. Alternately a person can be hired on a part time bases to take care of the duties of the project management.

## **PROJECT APPROVAL**

Once a concept has been determined feasible and a project budget has been set the project is brought before the AHC. Once the AHC has approved the project, they will bring it to the Takoma Park City Council for final approval.

## **FUNDING**

A project cannot be started till funding is secured for all aspect of the project. Depending on the project funding can be sought through Public (Federal, State, County or City), private sources/grants, business, private donations or other potential venues.

## **SELECTION OF ARTIST**

Before proceeding with the artist selection process, it is important to make decisions regarding the artists who will be eligible for the project. That may include restrictions as to the geographic area that the call for artists goes to, restrictions on media, or other concerns. This is where establishing a Public Art Trust Committee becomes important. These individuals would be able to share their vision, values, goals for project and site, durability of work, relevant history of the area, concerns for the public, as well as other factors that artists might consider in responding to the commission. They would also be able to weigh how to create opportunities for local artists in balance with opening the program beyond the geographic boundaries of Takoma Park.

## **DETERMINING FACTORS FOR GEOGRAPHIC ELIGIBILITY**

**Budget:** If a budget is insufficient to accommodate travel and per diem, eligibility may be restricted.

**Project Location:** Limits may be set on geographic eligibility in the selection of artists for projects located in neighborhood setting or programs serving very specific constituents. Such programs can facilitate more direct interactions between artist and constituents and would be well-suited venues for local artists.

**Project Prominence:** Where site location is a significant venue, geographic eligibility may want to be quite broad, as budget allows.

**Unique Requirements of Individual Sites:** Include constituent needs, historical and social context, the architecture of the site, etc. Proposals may want to look for artists who have specific experience and aesthetic vision to best serve these needs, regardless of where the artist lives.

**Art Economics:** A common opinion is that a program should exclusively support local artists. Though it is important to broaden opportunities for

local artists and increase the venues in which their work can get visibility within the community, it may not always serve the local artists well to be too restrictive. Artists seek exhibition venues - galleries, museums, other exhibition opportunities - to present their work not only to their local community, but also nationally and internationally. This is partly economics and partly to enhance their visibility and reputation. Protectionist policies could eventually bar local artists from getting the reputation they deserve from other part of the country.

**Quality and Reputation:** It is in any public art program's best interest to develop a collection that is diverse in every respect, including style, media, subject matter and approach. Many public art collections are judged by their overall quality. Artists are attracted to programs by their desire to have their work included in collections of merit. This would also include artists from our community who are perhaps nationally renowned.

## **CALL FOR ARTIST**

### **OPEN COMPETITION**

A call for artists is broadly advertised and any artist is eligible and may be distributed locally, regionally or nationally.

The call may be structured as either a request for qualifications (RFQ) or a request for proposal (RFP). See Call for Artists Resource Guide for further details.

After applications have been received, an artist may be selected directly by a selection panel or more typically three to five artists are short listed to develop and submit more detailed information, possibly including a proposal, a maquette and/or drawings for further consideration by the panel. In this scenario the artists are encouraged to visit the project site. It may also include a meeting with the representatives of the commissioning body, community members, architect or landscape architect, engineer. In some projects a design fee is awarded the short listed artists, especially if a maquette and/or project drawing are required.

The primary advantages of an open competition are that it is highly democratic. The disadvantages are that it is high in administrative effort and need larger staff resources.

### **INVITATIONAL COMPETITION**

An invitational competition is similar to open competition, but may be based on specific criteria for the project, such as specific materials, construction method, large scale or small scale work, or other inherent and specific needs of the particular project. Such a selection will be based on experience of the artist, as

well as quality, aesthetics. This type competition usually asks for a proposal and is mostly limited to three to five artists.

A call for artist needs to be informational, clear, concise and detailed. Pertinent information must be in the prospectus. All pertinent information must be in the prospectus, for example; if there is a need for the artist to carry liability insurance; potential awards given; budget, project site description and location; procedural needs; transportation; promotion; important dates; address for mailing application to; who to contact for further information; if the project has a design fee; who the project is for; project schedule; selection process; eligibility, etc.

## **COPYRIGHT PROTECTION / VISUAL RIGHTS ACT OF 1990**

In a selection process that uses an RFP structure to select artists, the commissioning body may open itself to litigation under Federal copyright law in the event that elements of a non-selected artist's proposal is used by the commissioned artist. This possibility is more likely where community panels or community groups review proposals in open public meetings and provide what they have found appealing from among the proposals they have reviewed. Once an artist commits a concept to paper, copyright protection applies and submission of a proposal does not confer the right to use all or part of a submitted proposal that is not selected and compensated. This information must be communicated to the commissioning body and the community in advance. (Copy of the Visual artists Right Act attached)

## **ARTIST INTERVIEWS**

The finalists present their proposals in person to the selection panel. The panel meets all of the finalists on the same day and each interview generally last about 45 minutes. This approach gives the panel an opportunity to learn more about the artist's concept as well as obtain more information about the artist's personality and working approach, as well as the material to be used and assessment of how the work might hold up over time. The artist's personal style may be important factors, particularly in projects where the artist will need to work collaboratively with other member of a design team or work closely with diverse community members.

The goal of the artist interview is to be able to better evaluate the match between the artist's aesthetics, skills, experience and personality and the needs of the project.

## **MANAGING THE PROJECT**

The City of Takoma Park does not currently have a specific office or paid staff person who handles Public Art Projects, therefore a decision must be made on who manages and oversees each individual project as they come up. This person would send out the prospectus, manage incoming entries and any calls/correspondence/meeting with the artists eligible to submit entries, schedule meetings with the selection committee and calls connected with that, as well as meeting with other involved parties as needed. Oversight

once the project is under way will include visits to the artist's studio or place of manufacture to view work in progress, as well as other ways to assess that work is progressing as scheduled and as designed.

## **COMPOSING AN ARTS SELECTION COMMITTEE**

Regardless of what method of selection is used, the composing of a selection panel is a most critical factor in the success of the selection process. Without a well-informed, educated, balanced and diverse panel, the quality and results of the commissioning process are likely to suffer. It is important for a selection panel to reflect high level of artistic and aesthetic experience, as well as the history, views and opinions of the project site, whether it is the users of a facility, residents living near by or the larger Takoma Park community. A Selection Panel must be selected for each specific project

Balanced viewpoints should be carefully considered when assembling a panel. It is recommended that art and design professional represent a majority of the members. This might include professional visual artists, designers, architects, consultants or people otherwise involved in the arts. Other members could be representatives from the community at large, members from AHC, Historic Takoma, TP Public Works, etc.

In putting together a selection panel one should consider the relationship between voting and nonvoting members. Advisors such as engineers, landscape architect, lawyer or other risk and technology or management experts are able to give technical assistance that can provide necessary perspective on factors such as durability over time, as well as legal considerations as it pertains to Takoma Park. Their role must be clearly communicated, so they understand their limited role in the process. The selection panel should be given an orientation prior to the presentation of artist's materials to allow them to better understand the project requirements, and other requirements and criteria on which the selection should be based. The advisors would be a critical part of this.

Program staff should not serve on the panel. For most programs staff serves as facilitators for the selection process and provide guidance and input to the selection panel.

## **CONFLICT OF INTEREST**

It is important to adopt a conflict of interest policy for voting and nonvoting members of the artist selection panel. Generally Public Art Programs housed within local governments can determine if a conflict of interest policy is already in place that can be used or adapted to fit the artist selection process.

## **FABRICATION AND INSTALLATION CONTRACTS**

After the final selection and approval of the artist and/or proposal, the artist and the commissioning body enter into a contract. This may include design refinement. Any such changes need to be written into the contract. At this time maintenance issues need



to be discussed to determine what will be involved with that actual maintenance and operating costs to insure long term viability of the proposed work. It may also be important to discuss specific installation issues, such as direct costs and beautification and maintenance of the site surrounding the work, after the installation, depending on the type of project. Any issues that concern deadlines or issues of a legal nature in relation to the project needs to be presented, so issues do not arise later. Additionally, the selected artist must have full access to the most current blue prints, architectural drawing or any other specs that will affect her/his work on the project.

## **TEMPORARY INSTALLATIONS/EXHIBITIONS**

Temporary installations/exhibitions refer to work installed or exhibited for a predetermined and limited time.

Public Art Projects can also include temporary installations or exhibitions. Examples of these can be found in many communities. Examples of these can be found locally such as Hyattstown Arts Mill Project, MD, called the “Road Show”. This installation featured 20 sculptures installed along a high traffic roadway, partially for beautification, partly to slow traffic. It was deemed to have been fun, have helped build community and it received positive media attention. Other temporary projects can be found at Brookside Gardens off Georgia Avenue in MD, which hosts an annual exhibition in two of its large greenhouses. They can further be found in Quiet Waters Park in Annapolis and in Ann Marie Gardens in St Mary’s County, both in Maryland and in the City-wide Sculpture Exhibit-Madison, Connecticut. Rockville, MD has a large annual sculpture exhibit, which has gone on for more than a decade. Such projects can be events that focus on the exhibition only or it can be part of a larger event, such as festivals or fairs. Baltimore, MD hosts such a arts events, Cambridge, MA has its Cambridge River Festival, Chicago its cows, DC the Donkey and Elephants. The possibilities are numerous. Some of these events feature music by local musicians, story telling, theater, as well as opportunities for experiencing diverse artistic expressions. They might offer foods for sale or special receptions.

Projects like these must also go through a concept, budget, approval and funding process, much as permanent installations.

### **Budget**

The budget for temporary exhibits can range from very small, depending on scope and type of project, to quite large. Brookside Gardens maintains a budget of \$ 500; the sculpture exhibit in Madison, Ct comes at \$50,000, some at even more. Some exhibitions provide an honorarium for the participating artists, some insure the works while on exhibit and some charge an entry fee.

### **Call for Artists, Marketing and Management**

The call for artists, marketing and management of temporary artists would be handled much like permanent installations.

### **Selection Process**

The process used in selecting artwork for temporary exhibits would depend on the individual project. Installation of work on private property would necessitate involvement by the individual, interested property owners, who would have a final say in what goes on their lawn. An exhibition, for example around the new recreation center could likely be handled by a less formal process, an exhibitions committee and the selection possibly made by an invited juror, which might add stature to the exhibition. A fair or festival might be a “free-for-all” or a first come first serve.

Part of the selection process of work temporarily installed/exhibited on public or private land would need to conform to certain standards. The work must not be climbable, must not have sharp edges or appendages, must be securely installed, must be large enough not to be prey to easy theft, must be durable, i.e. not easily damaged or destroyed. This will be determined project-by-project and according to the needs of the individual sites and individual works of art.

### **INSURANCES AND PERMITS**

Installations on private property would necessitate that the property owner carry homeowners liability insurance that would carry adequate coverage in case someone was injured on the property. Need for permits would be determined at the start of each project.

The artist would need to carry insurance for the work itself, in the event it is damaged or destroyed and would take full responsibility for installing and removing work and repairing work if it is damaged during the period of exhibition.

### **SITE PREPARATION – INSTALLATION**

The type of project will determine who has the responsibility to prepare the site for installation. In some projects the entity that had jurisdiction or ownership of the property where the project is to be installed prepares the site and installs the artwork. In other instances this responsibility falls on the artist.

### **CONCLUSION**

This paper is based on conversations and interview with many individuals who are involved in public art in various ways. Theresa Cameron, Executive Director for the Arts and Humanities Commission of Montgomery County (AHCMC), MD; Françoise Yohalem, Manager, Public Art Trust, AHCMC, MD; Greg Esser, formerly the Director of Public Art, Phoenix Arts Commission, Phoenix, AZ provided very generously of their time. Also information was gained from stakeholder interviews for the Cultural plan,

feedback from the Sidewalk project, our own experiences, those of members of the TPAHC as well as written information from the City of Takoma Park's own archives. In addition, we have research such programs in other communities. We are grateful for the insights and experiences of everyone, also those who wrote the plans for other communities and publicized them, as well as Americans for the Arts who provided the Public Art Network Issue Paper, March 2004 written by Greg Esser as well as the Call for Artists Resource Guide, published by Americans for the Arts, their input has been invaluable.

Artists are at the bottom of the food chain for public art programs. However, without the artists, such programs could not exist. Artists are often asked to work without compensation and to donate their work for charitable causes, despite the fact that artists, particularly in the early stages of their career, are often in the lowest income range. It is critical that the economic value of the sole source creative work of artists be valued by asserting that artists must not be required to develop proposals and undertake other creative work without fair compensation. It is equally important that the project funding is adequate for the project, so the selected artists is not going without proper compensation or as has happened in the past in other local communities, has to dip into his/her own resources or go into debt to complete a project.

Takoma Park is known as a progressive community and this is a unique opportunity to set ourselves as a guiding example. We are excited that the Takoma Park City Council has established an Arts and Humanities Commission and we look forward to working with the City Council on any of the opportunities that may come up to enhance the physical and cultural amenities in Takoma Park, as well as create opportunities for artists of all kinds and be to enjoyment for our citizens.

## **ADDENDUM**

---

### **DONATIONS OF ART WORK**

Donations of art work here refer to existing pieces of art work, either Portable or Non-Portable that are given to the City of Takoma Park for the purpose of being displayed either temporarily or permanently. It is the responsibility of the AHC in cooperation with the Public Art Trust to research, assess, and approve all pertinent information related to the acceptability of any art made available to the City as a gift to determine that it is of the highest quality that is appropriate to both location and use and provide this information to the City Council. This information includes who holds title to the work (Visual Artists Rights Act). It is the responsibility of the City Council to give final approval to accept such a gift.

Any party wishing to sponsor a gift of artwork to the City of Takoma Park, MD should contact either the City or the AHC, at the earliest possible time for a consultation on the review and acceptance process for donation of artworks. The Public Art Trust will review all requests for donations and will with the support of the AHC make a recommendation to the City Council.

### **TYPES OF DONATIONS**

#### **Existing Works of Art**

**Portable:** Artwork of a scale appropriate for rotation through public spaces that belong to the City of Takoma Park. Specific placement of the work(s) may not be a stipulation as a condition of the gift.

**Non-Portable:** Artwork of such a scale that it is impractical and inappropriate to move the work(s) around and the work(s) would require a permanent or semi-permanent location.

### **REVIEW PROCESS**

#### **Existing works of Art: Portable.**

##### **Initial Contact with the City or AHC**

Sponsors must send photographs of the work(s) to AHC with written Materials including name of artist, size date of execution, and estimated value of the work, biography or resume of the artist and who holds title to the work.

### **Review by PAT and AHC**

PAT will review the photographs and will ask to see the actual work if it wishes to consider further the gift. If the PAT recommends the gift to AHC and AHC concurs, the gift will be recommended to the City Council for acceptance. Recommendations on future maintenance will be made at that time. Final acceptance of the donation will not be made till any and all provisions for appropriateness, installation and maintenance have been satisfied.

### **Installation**

In order to receive final acceptance from the City Council, the piece should be professionally appraised and be ready for installation. This means than two-dimensional works must be archivally framed and three-dimensional works have a pedestal or appropriate apparatus for either hanging or anchoring if it is to be temporarily installed out door.

### **Final acceptance is made by the City Council**

## **EXISTING WORK OF ART: NON - PORTABLE**

### **Initial contact with City and/or AHC**

Sponsors should send photographs of artwork(s) to AHC or the City with written materials including name of artist, medium, size, date of execution and estimated value of work as well as a biography or resume of the artist and who holds clear title to the work.

If the sponsor has identified a specific site for the placement of the work(s) that it wishes to be considered, information about the site and the work in relation to the site should also be included in these materials.

Any site that is suggested must go through a review process and may be rejected if it is not deemed appropriate by the PAT, AHC, or the City.

### **Review by PAT**

PAT will review the photographs and will ask to see the actual work if it wishes to consider the gift further. If the PAT recommends acceptance of the work(s), it will also review any suggested site(s). If no site has been suggested PAT will recommend a process for site selection.

**Provisions for Installation and Future Maintenance.**

PAT will recommend provisions for the cost of the installation and future maintenance needed for the acceptance of the work. The sponsor will provide PAT with detailed maintenance instructions for the work of art.

**Review by AHC**

AHC will review the recommendation from the PAT and will vote to accept or reject the proposed donation and its maintenance provisions. AHC may in some instances recommend a process for community review, it is deemed appropriate for the particular donation. AHC approval is not final till all and any provisions for future maintenance have been satisfied. If AHC accepts the recommendation from PAT, AHC will send the recommendation on to the City Council.

**Final acceptance of any donation is made by the City Council**